

RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: January 3, 2000

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
:
DINA A. ROVERE, VMD :
:
License Number VI 03256 :
:
LICENSED TO PRACTICE VETERINARY :
MEDICINE, DENTISTRY AND SURGERY :
WITHIN THE STATE OF NEW JERSEY :
:

Respondent _____ :

FINAL DECISION AND ORDER

This matter was opened to the New Jersey State Board of Veterinary Medical Examiners (hereinafter the "Board") upon receipt of a written complaint from Shannon Sivartsen (hereinafter "Consumer") against Respondent Dina A. Rovere, VMD (hereinafter "Respondent"). Within said complaint Consumer Sivartsen alleged that on May 9, 1999 Respondent examined Consumer Sivartsen's new puppy "Jordan" and declared "Jordan" unfit for purchase. Thereafter, Consumer alleges that on three separate occasions she contacted Respondent to request an "Unfit for Purchase" certificate (hereinafter "Certificate"), which she needed in order to obtain a refund of the veterinary fee she paid for the care of "Jordan". In each case Consumer Sivartsen alleged that she was told that the Certificate had been forwarded; however, she alleges that she in fact never received said Certificate. Thereafter, on August 2, 1999 consumer filed a written complaint with the Board setting forth the above allegations. Respondent was then contacted by

letter from the Board on August 5, 1999 and asked to provide a response to the Board regarding Consumer's complaint.

Respondent failed to reply to the Board's August 5, 1999 request for a written response to Consumer's complaint.

On October 28, 1999 a Uniform Penalty Letter (hereinafter "U.P.L.") was sent to Respondent setting forth the initial findings of the Board. The letter also afforded Respondent the opportunity to settle this matter without further proceedings by acknowledging the violation, immediately forwarding the Certificate to the Board office and paying a civil penalty in the amount of \$500 for her failure/refusal to cooperate and comply with Board directives in conjunction with its investigation of Ms. Sivartsen's complaint in violation of N.J.A.C. 13:45C-1.3.

In addition the U.P.L. directed Respondent to cease and desist from the above violations of the Board's statutes and regulations. Alternatively, Respondent was given the options of either requesting a hearing before the Board or submitting a written explanation and waiving its right to a hearing. Respondent was expressly advised that the response should be filed with the Board no later than ten days following receipt of the U.P.L. and that if no response was received by that date she would be considered in default and the matter would then be finally reviewed by the Board.

This matter was returned to the Board for final review on December 22, 1999. At said time the Board considered Consumer's complaint, the U.P.L. and a certification of Diane I. Romano, Executive Director of the New Jersey State Board of Veterinary Medical Examiners. Executive Director Romano's certification establishes that the Respondent received the U.P.L. and that she did not respond thereto.

Upon review of the above documentation the Board found Respondent to be in default and proceeded to consider the merits of the charges. In the absence of any explanation or refutation from Respondent, the Board deems the Consumer's complaint to be credible and uncontested. The Board finds that Respondent failed to provide a Certificate of Unfitness re

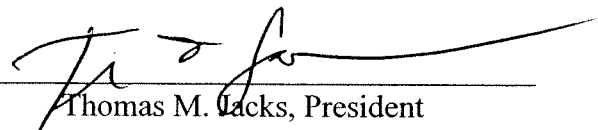
"Jordan" Sivartsen to Consumer Sivartsen and further finds Respondent to have violated the failure to cooperate regulation as set forth in N.J.A.C. 13:45C-1.3.

Based on the foregoing:

IT IS on this 3rd day of January, ~~1999~~²⁰⁰⁰,
ORDERED that:

1. Respondent shall pay to the State Board of Veterinary Medical Examiners a civil penalty in the total amount of \$500 for the violations as set forth in the U.P.L. and found as detailed above. Said payment shall be made by certified check or money order payable to the State Board of Veterinary Medical Examiners and shall be delivered within ten (10) days of the service of this Order to the Executive Director at the Board of Veterinary Medical Examiners, P. O. Box 45020, Newark, NJ 07101;
2. Respondent shall provide an "Unfit for Purchase" certificate for consumer Sivartsen's puppy to the Board within ten days of receipt of this Order;
3. Respondent shall cease and desist from engaging in any of the conduct found herein to be unlawful.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

BY: 
Thomas M. Lacks, President

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF VETERINARY MEDICAL
EXAMINERS

IN THE MATTER OF THE SUSPENSION OR :
REVOCATION OF THE LICENSE OF: :

DINA A. ROVERE, VMD :

Administrative Action

License No. VI 03256 :

CERTIFICATION OF
DIANE I. ROMANO

Licensed to practice veterinary medicine, dentistry :
and surgery in the State of New Jersey :

DIANE I. ROMANO certifies the following:

1. I am the Executive Director of the New Jersey State Board of Veterinary Medical Examiners (hereinafter the "Board") and have served in that position since August 1998. As such I am the custodian of records for this agency.

2. On August 2, 1999 Ms. Shannon Sivartsen filed a complaint with the Board alleging the refusal of Dr. Rovere to provide her with an "Unfit for Purchase" certificate subsequent to the veterinarian's having established that Ms. Sivartsen's puppy was unfit for sale. A true copy of the consumers' complaint which was filed with the Board is attached hereto.

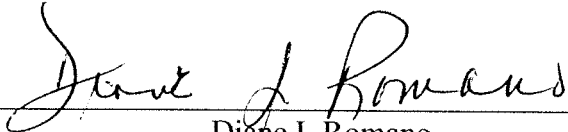
3. On October 28, 1999 a Uniform Penalty Letter (hereinafter U.P.L.) was sent to Respondent, via registered mail, setting forth the initial findings of the Board and offering Respondent the opportunity to settle this matter by acknowledging the violations, paying a civil penalty of \$500 and immediately forwarding to the Board office an Unfit for Purchase certificate

for Ms. Sivartsen's puppy . Alternatively, Respondent was given the options of either requesting a hearing before the Board or submitting a written explanation and waiving its right to a hearing. A response was to have been provided by November 13, 1999.

4. On November 3, 1999 the Board office received the return receipt, demonstrating that Respondent received the U.P.L.

5. To date no response has been received.

I understand that if any of the above statements are willfully false, I am subject to punishment.


Diane I. Romano

Dated: Dec. 22, 1999